IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 34074 of 2004(F)

PETITIONER:

K.N.CHANDRA MOHANAN, SUB ENGINEER,
ELECTRICAL SECTION NO.II, KOTHAMANGALAM.

BY ADV. SRI.S.RAMESH BABU

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY, VYDYUTHY BHAVANA, PATTOM,
THIRUVANANTHAPURAM.

2. CHIEF ENGINEER(HRM),
VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, KSEB
GOVERNMENT PLEADER SRI. K.V.MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 34074/2004 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE COMMUNICATION DT. 30/11/99.

EXT.P2. COPY OF THE JUDGMENT DT. 9/6/04 IN WPC NO.17120/04.

EXT.P3. COPY OF THE COMMUNICATION DT. 3/11/04.

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 34074 OF 2004

Dated this the 18th day of July, 2007.

J U D G M E N T

The issue raised in this writ petition pertains to counting of provisional service for the purpose of increment and grade. It appears, initially the objection was that there was change in the time scale and hence the provisional service cannot be reckoned. This Court considered the matter leading to Exhibit P2 judgment and held that if the change in the time scale is pursuant to the revision of pay, the same shall not be a ground for rejecting the claim for counting the provisional service. A direction was also issued to reconsider the matter.

2. By the impugned Exhibit P3 order, the claim was again rejected on the ground that the Government had prospectively cancelled the notification dated 20.11.1989 by order dated 15.12.1998 and the Board had adopted the same by proceedings dated 09.05.2000. Admittedly, provisional service to be reckoned in this case is between 1981 to 1987. Thus, going by the admitted case of the petitioner, he is eligible for reckoning of the provisional service rendered for the purpose of Rule 33 Part I of Kerala Service Rules.

I quash Exhibit P3. There will be a direction to the respondents to reckon the provisional service rendered by the petitioner between 1981 to 1987 as referred to in Exhibit P3 order and grant the eligible benefits within a period of two months from the date of production of a copy of this judgment.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp